

ZB# 97-46

Michael Brooks

27-5-10

#99-46 - Brooks, Michael

Area

27-5-10

Item.

Dec. 8, 1997.

Jess paid 12/30/97.

Notice to

Photos here

paper

Ap. here. 1/15/98.

Public Hearing:

Feb. 9, 1998.

Area variances

Granted

Refund \$180.50

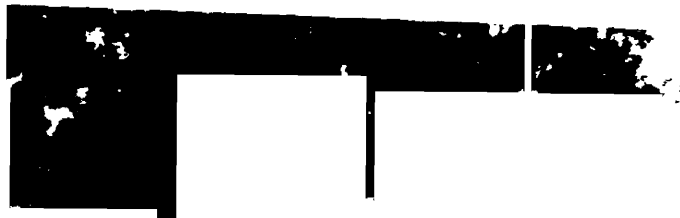
Wilson Jones - Carbonless - 5884-NOT Duplicable - 5187N-CI, Memphis

© Wilson Jones, 1969

DATE December 30, 1997 RECEIPT 340888
RECEIVED FROM Michael W. Brooks
Address Sixty and 20/100 DOLLARS \$ 50.00
FOR Zoning Variance #97-46

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID	#12/16	50.00	
BALANCE DUE		MONEY ORDER	

BY Dorothy H. Hansen





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Brooks, Mike

FILE# 97-46

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00 - paid check #1216.

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 paid ck# 1215
12/30/97.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 12/8/97-7 \$ 31.50
2ND PRELIMINARY- PER PAGE 2/9/98-4 \$ 18.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 12/8/97 \$ 35.00
2ND PRELIM. 2/9/98 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT \$ 180.50 Refund.

Approved: Patricia O. Bankard
ZBA

MICHAEL M. BROOKS
19 FARMSTEAD ROAD
NEW WINDSOR, NY 12553

1215

12/29 19 77

75-148/818
939

PAY TO THE
ORDER OF

Town of New Windsor

\$ 300.00

Three Hundred ⁰⁰/₁₀₀

DOLLARS

☒ Security Features
See Reverse Side

To:



HUDSON HERITAGE FEDERAL CREDIT UNION 2219

Newburgh, New York 12550

PAYABLE THROUGH COMMUNITY NATIONAL BANK
NORTHFIELD, MN

FOR

variance ZBA #97-46

Will Shaw

⑆091901480⑆9390092150088⑈ 1215

MICHAEL M. BROOKS
19 FARMSTEAD ROAD
NEW WINDSOR, NY 12553

1216

12/29 19 77

75-148/818
939

PAY TO THE
ORDER OF

Town of New Windsor

\$ 50.00

Fifty and ⁰⁰/₁₀₀

DOLLARS

☒ Security Features
See Reverse Side

To:



HUDSON HERITAGE FEDERAL CREDIT UNION 2219

Newburgh, New York 12550

PAYABLE THROUGH COMMUNITY NATIONAL BANK
NORTHFIELD, MN

FOR

variance ZBA #97-46

Will Shaw

⑆091901480⑆9390092150088⑈ 1216

In the Matter of the Application of

MICHAEL BROOKS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#97-46.

WHEREAS, MICHAEL BROOKS, 19 Farmstead Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 24 ft. front yard variance for existing pool and 20 ft. front yard variance for existing pool deck on corner lot in variation of Section 48-21G(1) of the Supplemental Yard Regulations at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 9th day of February, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on his for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood of one-family homes.

(b) The lot is located on the corner of an actual street and a "paper" road, i.e. one that exists in the Town's records but is not physically present.

(c) The variances are sought for the purposes of obtaining a certificate of occupancy for a pool and deck which have already been constructed on the premises.

(d) The pool and deck in question have been on the premises for approximately 2 1/2 years but the building permit was only applied for in November, 1997.

(e) Because of the "paper" road the pool and deck have actually been constructed in an area which is legally a front yard. The area appears to the viewer to be a side yard, however, and if it were not for the existence of the "paper" road, no variance would be necessary.

(f) The pool and deck are located in an appropriate location considering the use and appearance of the premises.

(g) In order to move the pool, two hemlock trees approximately 60 ft. tall would have to be taken away.

(h) The existing pool and deck do not interfere with any septic or sewer easement.

(i) The existing pool and deck do not interfere with any water line.

(j) The existing pool and deck do not interfere with the course with any water drainage, or create any ponding or collection of water.

(k) No complaints have been made, formally or informally, about the existence of the pool and deck

(l) There are other similar pools and decks in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are not substantial in relation to the Town regulations but nevertheless are warranted due to the peculiar nature and location of the real property.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the

detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 24 ft. front yard variance for an existing pool and 20 ft. front yard variance for an existing pool deck on corner lot in variation of Section 48-21G(1) of the Supplemental Yard Regulations at the above-referenced property in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 13, 1998.


Chairman

Date 2/1/78, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
2/9/98	Zoning Board Mtg	75.00	
	Misc. - 3		
	Simon. - 5		
	Sharma - 7		
	Brooks - 4 \$18.00.		
	Diaz - 3		
	Metzger 3	112.50	
	25 pgs		
		187.50	

PUBLIC HEARING:

BROOKS, MICHAEL

MR. NUGENT: Request for 24 ft. front yard variance for existing pool and 20 ft. front yard variance for existing pool deck on corner lot in variation of Section 48-21G(1) of the supplemental yard regulations for residence located on Farmstead Road in an R-4 zone.

Mr. Michael Brooks appeared before the board for this application.

MS. BARNHART: Is there anybody here in the audience with regard to Mr. Brooks' application?

MR. KRIEGER: Let the record reflect there is nobody.

MS. BARNHART: Even though we sent out 53 notices on January 23, 1998.

MR. BROOKS: Got one back.

MS. BARNHART: Give it to me when you get a chance.

MR. REIS: Did you receive any responses to these letters?

MS. BARNHART: No, no responses, no inquiries.

MR. NUGENT: You all remember this?

MR. REIS: Mike, how long have the deck and the pool, how long have they been there?

MR. BROOKS: Two and a half years, it will be three years the end of the summer.

MR. KRIEGER: Do you have building permits for them?

MR. BROOKS: Yes, denied but--

MR. KRIEGER: The building permits were denied.

MR. BROOKS: Yes, because of the zoning issue.

MR. KANE: The C.O. was?

MR. BROOKS: Notice of disapproval of building permit application.

MS. BARNHART: That's here, he was referred to us.

MR. BROOKS: Right.

MR. KRIEGER: When was that?

MR. BROOKS: November 21, 1997 when I started this process.

MR. TORLEY: What you're saying you like many other people didn't get a building permit to put in the above ground pool.

MR. BROOKS: That is the reason that I need this variance is not because of my back yard, it's because of my side yard, it's stated as front yard but there's a paper road next to my house. I don't know if you remember this now, maybe that jogs the memory but there's a paper road there where Jay Street doesn't continue all the way up to Farmstead to between my neighbor and we have got a wooded area that is my front yard.

MR. KANE: Larry, if it wasn't a front yard and if it was a side yard according to the numbers on his map, he would be approved for a permit.

MR. BROOKS: I'd be well within it because it's a ten foot set back if it's a side yard, which it's not, yes, I discussed it with all my neighbors and it's, everything is copacetic with it, Supervisor Meyers is one of my neighbors and he's nice about it.

MR. TORLEY: Difficulty is that there is a theoretical paper road.

MR. BROOKS: Could have said all right, you've got this spot, the lot, actually, logic spoke to me and said you have got a beautiful spot if you are in your back yard

to see the sun, put a pool there because if I had moved it to the 35 foot point, I have got six gorgeous hemlocks, I mean they are 60 feet tall that add great shade to my house, two of them would have to come down, 800 bucks each and then it also moves it into the center of my yard, so forget having a catch.

MR. KANE: Moving the pool would have an environmental impact?

MR. KRIEGER: Adverse?

MR. BROOKS: Yeah, two 60 foot hemlocks that shade my yard and also take away--

MR. KRIEGER: Where they are previously located, they don't, they are not over the top of any septic or sewer easement.

MR. BROOKS: I don't have that, my sewer goes out the front, my water goes out the front of Farmstead.

MR. KRIEGER: So they don't interfere with any water line?

MR. BROOKS: Not at all.

MR. KRIEGER: Do they interfere with the course of any pattern of drainage, create ponding of water or collection?

MR. BROOKS: Not at all. As a matter of fact, the way it's been landscaped, if there's any any drainage issue, helps with the drainage, we have never had any flooding in the back there.

MR. KRIEGER: Have you had any complaints either formal or informal about either of these items?

MR. BROOKS: Not at all, my neighbors come over and swim.

MR. REIS: I make a motion that we grant Mr. Brooks his requested variances for his existing pool and existing deck.

February 9, 1998

17

MS. OWEN: I second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

Prelim:
Dec. 8, 1997
7:30
p.m.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION #97-46-

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: November 21, 1997

**APPLICANT: Michael Brooks
19 Farmstead Road
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/21/97

FOR : Existing 4' above ground pool.

LOCATED AT: 19 Farmstead Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 27-5-10 One Family House.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing pool is located in required front yard, this is a corner lot.


BUILDING INSPECTOR

PERMITTED 35'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-21-G-1

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

11' FT
15'
REVISED 12-8-97
24 FT
20'

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 11/21/97

**APPLICANT: Michael Brooks
19 Farmstead Road
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/21/97

FOR : Existing Pool Deck

LOCATED AT: 19 Farmstead Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 27-5-10

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing pool deck projects into required front yard. This is a corner Lot.**


BUILDING INSPECTOR

PERMITTED 35'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 10-E

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

15'

20'

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

NEEDS V VANCE

11-17

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Michael Brooks

Address 19 Farmstead Road Phone 561-3346

Mailing Address Same

Name of Architect Owner

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the west side of Farnstead Road
(N,S,E or W)
and 1000 feet from the intersection of Blairstown Turnpike
2. Zone or use district in which premises are situated _____ I, property a flood zone? Y _____ N X
3. Tax Map Description: Section 27 Block 5 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy residence b. Intended use and occupancy same A-1
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ res
6. Is this a corner lot? yes EXISTING 4' ABOVE SMO ROLL
7. Dimensions of entire new construction. Front 20 Rear 20 Depth 10 Height 4 No. of stories _____
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1
Number of bedrooms 3 Baths 2 Toilets 2
Heating Plant Gas ☒ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$300,000 \$3,000 Fee \$50
(To be Paid on this Application)
11. School District Newburg

Care for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

1 / 19

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi,
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Michael L. Babcock

(Signature of Applicant)

19 Farmland Road

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

See
attached

W

E

S

NEEDS
V RANCE

11-11

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises M Brooks

Address 19 Farmstead Phone 561-3346

Mailing Address _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the West side of FARMSTEAD
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 21 Block 5 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy A-1
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ Deck
6. Is this a corner lot? YES EXISTING POOL DECK
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$ 50
(To be paid on this Application)
11. School District _____

Cash for the work described in the Application for Building Permit includes the cost of all the construction and other work done in connection therewith exclusive of the cost of the land. If final cost shall exceed estimated cost an additional fee may be required before the issuance of Certificate of Occupancy.

1 / 19
APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi,
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

19 Farmstead Road
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawing.

N

W

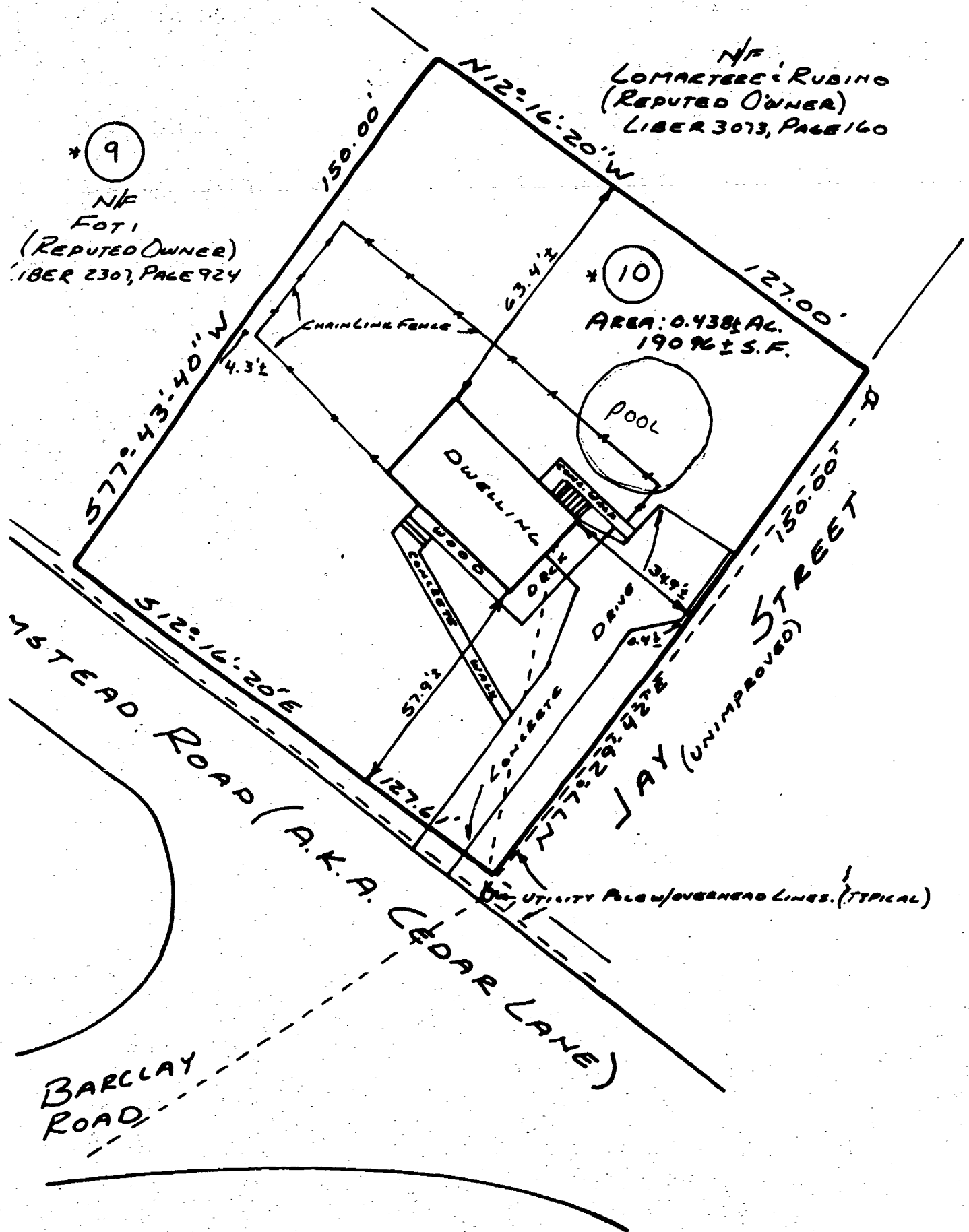
E

S

* 9
N/F
FOT 1
(REPUTED OWNER)
LIBER 2307, PAGE 924

N/F
LOMARTEEE: RUBINO
(REPUTED OWNER)
LIBER 3073, PAGE 160

* 10
AREA: 0.438 ± AL.
19096 ± S.F.



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Michael Brooks

Applicant.

#97-46

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Jan. 23, 1998, I compared the 53 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
23rd day of Jan., 1998.

Deborah Green
Notary Public

**DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999**



1763

TOWN OF NEW WINDSOR
ASSESSOR'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553-6196
Telephone: (914) 563-4633
Fax: (914) 563-4693

53

January 13, 1998

Michael Brooks
19 Farmstead Road
New Windsor, NY 12553

Re: Tax Map Parcel 27-5-10

Dear Mr. Brooks:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's office.

Sincerely,

L. Cook

LESLIE COOK
Sole Assessor

/cmo
Attachments

cc: Patricia Barnhart, ZBA

Nunnally, William J. & Vicki
56 Cross Street
New Windsor, NY 12553

Russe, Anthony & Vera
14 Cedar Lane
New Windsor, NY 12553

Peluso, Peter A. & Mary J.
16 Cedar Lane
New Windsor, NY 12553

Duckery, William E. & Carolyn L.
20 Cedar Lane
New Windsor, NY 12553

Olivencia, Michael
23 Farmstead Road
New Windsor, NY 12553

Morgan, Robert R. & Denise
21 Farmstead Road
New Windsor, NY 12553

Mandoske, Priscilla
27 Jay Street
New Windsor, NY 12553

Comfort, Harriet L.
23 Jay Street
New Windsor, NY 12553

Demarco, Eugene & Virginia
19 Jay Street
New Windsor, NY 12553

Scott, William & Dorothy
8 Cedar Lane
New Windsor, NY 12553

Scott, Muriel
15 Jay Street
New Windsor, NY 12553

Lagueras, Margo
26 Barclay Road
New Windsor, NY 12553

Montedeoca, Edwin & Nelida Roman
59 Barclay Road
New Windsor, NY 12553

Arnold, Herbert S. & Verna F.
22 Barclay Road
New Windsor, NY 12553

Sager, Stephen R. Jr. & Roxana V.
20 Barclay Road
New Windsor, NY 12553 X

Molina, Gilbert & Varnesa
18 Barclay Road
New Windsor, NY 12553 X

Williams, Gary S. & Debra
16 Barclay Road
New Windsor, NY 12553 X

Sbarra, Nicholas G.
8 Farmstead Road
New Windsor, NY 12553 X

McDonald Jr., Jan D. & Ann H.
10 Farmstead Road
New Windsor, NY 12553 X

Sartori, John G. & Angela
12 Farmstead Road
New Windsor, NY 12553 X

Coloni, Margaret R. &
Maeng, Han S.
14 Farmstead Road
New Windsor, NY 12553 X

Vernon, Daniele M.
21 Barclay Road
New Windsor, NY 12553 X

Volpe, Frank Jr. & Cynthia D.
17 Barclay Road
New Windsor, NY 12553 X

Sabater, Jaime &
Nee, Lorraine
15 Barclay Road
New Windsor, NY 12553 X

Kennedy, Joseph C. & Roseann T.
5 Farmstead Road
New Windsor, NY 12553 X

Wilson, Alvin & Cynthia
11 Farmstead Road
New Windsor, NY 12553 X

Kravitz, Alan George
13 Farmstead Road
New Windsor, NY 12553 X

Foti Jr., Joseph & Susan
17 Farmstead Road
New Windsor, NY 12553 X

Corbett Jr., Joseph A. &
Corbett Sr., Joseph A. & Doretta A.
21 Ellison Drive
New Windsor, NY 12553

Bowman, Michael W. & Nancy C.
19 Ellison Dr.
New Windsor, NY 12553

Kennedy, Robert
17 Ellison Dr.
New Windsor, NY 12553

Lauritano, Chris G. & Corbett, Cheryl-Ann F.
15 Ellison Dr.
New Windsor, NY 12553

Dearborn, Joseph R. & Barbara
13 Ellison Dr.
New Windsor, NY 12553

Palumbo, Edward P. & Janet
11 Ellison Dr.
New Windsor, NY 12553

Palacio, Charles & Amparo
12 Sunrise Terr.
New Windsor, NY 12553

Brown, Jeanne C.
14 Sunrise Terr.
New Windsor, NY 12553

Brown, Edith M.
c/o Gordon B. Brown
707 Brown Pelican Lane
Hampstead, NC 28443

Billesimo, Anthony J. Jr. & Hedlund, Kathleen
46 Cross St.
New Windsor, NY 12553

Zubalsky, Arnold & Edna
20 Jay St.
New Windsor, NY 12553

Meyers, George & Roseanne
2 Brandon Ct.
New Windsor, NY 12553

Ferguson, Edward N.
1 Brandon Ct.
New Windsor, NY 12553

Lomartere, Charles P. & Laurie
28 Jay St.
New Windsor, NY 12553

Massari, Habib D. & Josephine
3 Brandon Ct.
New Windsor, NY 12553

Diaz, Rosalie A. & Butta, Robert C.
5 Brandon Ct.
New Windsor, NY 12553

Joyce, Patricia M. & Russell P. Zale
106-18 78th St.
Ozone Park, NY 11417

Rodriguez, George S. & Lisa M.
6 Brandon Ct.
New Windsor, NY 12553

Miller, Joseph S. & Helen M.
4 Brandon Ct.
New Windsor, NY 12553

Millman, Walter S. & Jeanne A.
38 Blooming Grove Tpke.
New Windsor, NY 12553

Visconti, Glenn & Diane
18 Lillian Place
New Windsor, NY 12553

Patterson, John C. & Denise M.
13 Lillian Place
New Windsor, NY 12553

McCaffrey, Kevin M. & Linda R.
44 Cross St.
New Windsor, NY 12553

Squire Village
Board Of Directors
c/o Emerald Mgmt.
P.O. Box 268, 2299 Route 9N
Fishkill, NY 12524

Alphonse, Rene & Margaret
15 Farmstead Rd.
New Windsor, NY 12553

~~His. publish on Jan 22nd Sent to the [unclear] address.~~

(Revised)
Sent to Sentinel
on 1/20/98.

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 46.

Request of Michael Brooks

for a VARIANCE of the Zoning Local Law to Permit:

existing ^{Pool &} pool deck which is located in
the front yard of corner lot;

being a VARIANCE of Section 48-21 G. (1) - Supp. Use Regs.

for property situated as follows:

19 Farmstead Road, New Windsor, NY,

known and designated as tax map Section 27, Blk. 5, Lot 10.

SAID HEARING will take place on the 9th day of February, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Banhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-46.

Date: 12/29/97

I. ✓ Applicant Information:

(a) Michael and Judith Draks 19 Farmstead Road, New Windsor, NY
(Name, address and phone of Applicant) (Owner)

(b) _____
(Name, address and phone of purchaser or lessee)

(c) _____
(Name, address and phone of attorney)

(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. ✓ Property Information:

(a) R-4 19 Farmstead Rd. 27-5-10 .46 acre
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? R-4

(c) Is a pending sale or lease subject to ZBA approval of this application? no - not yet.

(d) When was property purchased by present owner? 1991

(e) Has property been subdivided previously? no

(f) Has property been subject of variance previously? no
If so, when? _____

(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no

(h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

IV. Use Variance. N/A

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 18-12, Table of Use/Bulk Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>35'</u>	<u>11'</u>	<u>24'</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The pool and deck add value to the property and consequently the neighborhood. Higher property values are an asset to the Town and its residents.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 12/19/97, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Both 168 North Drury La. DR.
Newburgh Aug 12 1850

DATE		CLAIMED	ALLOWED
12/1/97	Zoning Board Mtg	75.00	
	Misc. - 3		
	Brooks - 7 \$ 31.50		
	Akus - 1		
	Gannone - 5		
	Gaczko - 5		
	Passaro - 5	117.00	
	26	192.00	

PRELIMINARY

BROOKS, MICHAEL

Mr. Michael Brooks appeared before the board for this proposal.

MR. NUGENT: Request for 20 ft. front yard for existing pool and 20 ft. front yard for existing pool at 19 Farmstead Road in an R-4 zone.

MR. BROOKS: Can we make an adjustment to that at this point because the numbers are incorrect on that?

MR. TORLEY: Please.

MR. BROOKS: Should be 12 foot and 23 foot proposed or that is my next piece, it's not really a corner lot, on the tax map it is, but there's no road there.

MR. NUGENT: Paper road.

MR. TORLEY: Paper road is still--

MR. BROOKS: So it says 15 and 20, should be 12 and 23 for both.

MR. NUGENT: Go ahead.

MS. BARNHART: Michael, we have to change these numbers.

MR. TORLEY: Are you changing because it should be side yard not front yard?

MR. NUGENT: No, he still has two front yards.

MR. BROOKS: Because of the tax map because it's my front yard on Jay Street side, I was denied the building permit, however, that street does not exist on the tax map, it exists in reality it's a wooded lot that we put our leaves in, I mean, you know.

MR. TORLEY: Unfortunately, it exists on the maps.

MR. BROOKS: That's right.

MR. KANE: Mr. Brooks, do you have some pictures with you?

MR. BROOKS: Sure.

MR. TORLEY: Andy, the law has not changed regarding paper, expiration of paper roads, has it not?

MR. KRIEGER: Correct.

MR. TORLEY: Even though the road does not exist, it's shown on the maps as existing or could exist at any point, therefore you're stuck with two front yards.

MR. BROOKS: Right.

MR. TORLEY: So you have to make it when you say change it to 12 and 23, you're assuming that there was a side yard.

MR. BROOKS: No, no, my request was for proposed, available was 15, I'm sorry, I should be requesting a variance, I'm not, I need 23 from my property line to where the existing structure is is 12 feet.

MR. TORLEY: Which property line, sir?

MR. BROOKS: Jay Street.

MR. TORLEY: My map shows two handwritten things.

MR. BROOKS: Right, I'm saying this number needs to change to 12.

MR. BABCOCK: So you need more of a variance.

MR. BROOKS: Correct.

MR. NUGENT: On the other one it stays 15.

MR. BROOKS: Well, they are both at the same spot, the deck as the pool.

MR. NUGENT: But what we have got here is two applications, we have got two notices of disapproval.

MR. BROOKS: The back line shouldn't have any disapproval, one's for the pool, one's for the deck, the back line here..

MR. NUGENT: I'm reading the agenda.

MR. KRIEGER: Which pool should be a deck?

MR. BROOKS: I need this to be 12 feet, this is 15, there's no problem.

MR. NUGENT: Okay on that one.

MR. BROOKS: This is the one I need changed from that point to that point is 12 feet, it's supposed to be 35.

MS. BARNHART: Mike has to change that.

MR. TORLEY: Does this pool actually come closer to this paper road than your main dwelling?

MR. BROOKS: No.

MR. TORLEY: The pool is not closer to the paper road than your main dwelling is?

MR. BROOKS: Correct.

MR. TORLEY: Then I'm not sure, I guess the drawing--

MR. BROOKS: The drawing is out of scale.

MR. TORLEY: Therefore, Mike, since it does not protrude into his legal front yard, we don't have any problem with that, pool is not closer to the paper road than the main dwelling.

MR. BABCOCK: According to the survey, it is, that is what we're going by. The survey shows that his house is 34.9 feet from the paper road, he's telling us that the pool is 12 feet.

MR. BROOKS: All right, well, my 12 foot measurement is a difficult measure then because it depends upon where the line is, I guess I'd have to go get a survey to find out where the line is.

MR. TORLEY: If you measure to where the edge of your concrete is.

MR. BROOKS: Since the road isn't there, I can't pinpoint exactly where to measure from from the edge of the pool to, you know, if there was a curb there, I could measure it easily.

MR. KANE: In respect to the variance you need to be accurate because if you go to sell the home and you have a variance for 12 feet and you needed 13, you'd have to come back here.

MR. BROOKS: That is why I altered the numbers to make sure that I had more than enough as opposed to--

MR. NUGENT: That is what we're getting at.

MR. BROOKS: That is the purpose of going for the extra footage.

MR. TORLEY: So we should also put in a variance for pool in the front yard then, right?

MR. BABCOCK: That's correct.

MR. TORLEY: No extra money, just make sure you're covered.

MR. BROOKS: Thank you, I appreciate that.

MR. TORLEY: You don't want to do this twice.

MR. BROOKS: I appreciate that too because this is for a sale so.

MS. BARNHART: Mike, do you want to change the notices?

MR. BABCOCK: Sure. You need 35 feet for the front yard. If you want to get technical, he needs 34.9

cause that is where his house is but we're, the requirement is 35.

MR. TORLEY: He's actually asking for 23 foot.

MR. BABCOCK: 23 foot variance, right.

MR. TORLEY: With the applicant's acquisition how about we make it 24 feet to be safe.

MR. BROOKS: That's fine.

MR. TORLEY: You say you're having difficulty finding the exact measurement.

MR. BROOKS: I added up to where the telephone pole was and where it was on the survey.

MR. REIS: Mike, do you have the survey showing the side yard and deck and pool?

MR. BABCOCK: No, not with the deck and pool.

MR. BROOKS: Measurement is from the corner of the house to the property line.

MR. KANE: When you come in for the public hearing, would you bring in a map showing details where the deck is?

MR. NUGENT: There's one on the back.

MR. TORLEY: The pool is sketched in on the survey map.

MR. BABCOCK: Do you want to make this 11 feet?

MR. NUGENT: I don't care, it's up to him.

MR. BROOKS: Yes.

MR. NUGENT: I'm not telling you what numbers to put down.

MR. BROOKS: So that would be a 24 foot variance?

MR. BABCOCK: That's correct.

MR. NUGENT: Mike, the other one doesn't change the deck?

MR. BABCOCK: No, no, that's fine.

MR. BROOKS: Is that a ten foot requirement for the side yard?

MR. BABCOCK: Yes. Mr. Chairman, we wrote them separate because they are two different structures, if he gets a variance on one, the other one's okay.

MR. NUGENT: I understand. I just want to make sure the other one didn't change. I'll accept a motion.

MR. TORLEY: Mr. Chairman, I move we set up Mr. Brooks for a public hearing on his requested variance.

MR. KANE: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. TORLEY: We have to do everything by a public hearing.

MR. BROOKS: Now I need to contact you?

MS. BARNHART: You need to read this first.

MR. KRIEGER: When you come in for the public hearing, if you'd address yourself to the criteria on that sheet that would be helpful because those are the criteria under which by state law the Zoning Board of Appeals must decide.

MR. BROOKS: Okay.

MR. TORLEY: We also appreciate if you bring in some

pictures.

MR. NUGENT: He's got them.

MR. TORLEY: Do you need title?

MR. KRIEGER: Yes, I'd like to look at your deed and title policy, I don't need copies, just bring them into the public hearing, let me look at them. I will give them right back to you.

MR. BROOKS: And at some point in time for the rest of all of this?

MR. KANE: Read it.

MS. BARNHART: Read the whole thing first.

MR. TORLEY: She's actually written an understandable government document. Cherish this.

MR. BROOKS: Thank you very much.